

**REMARKS/ARGUMENTS**

The Office Action mailed June 3, 2004, has been received and reviewed. Claims 1 through 37 are currently pending in the application. Claims 1 through 37 stand rejected. Applicants have amended claims 1 through 37 and have added new claims 38 through 50. Applicants respectfully request reconsideration of the application as amended herein.

Applicants have amended claims 1 through 37 in the manner set forth below.

Specifically, each of claims 1 and 2 have been amended to broaden the scope thereof, modify the phraseology and emphasis, and to improve antecedent basis thereof, respectively.

Each of claims 3 through 18 have been amended to modify the phraseology and emphasis thereof, respectively, and to improve antecedent basis thereof, respectively. In addition, claim 13 has been amended to correct its claim dependency.

Each of claims 19 through 25 have been amended to correct minor antecedent basis and typographical errors, respectively.

Each of claims 26 through 28 have been amended to broaden the scope thereof, modify the phraseology and emphasis, and to improve antecedent basis thereof, respectively.

Each of claims 29-35 have been amended to modify the phraseology and emphasis thereof, respectively, and to improve antecedent basis thereof, respectively.

Each of claims 36 and 37 have been amended to broaden the scope thereof, modify the phraseology and emphasis, and to improve antecedent basis thereof, respectively.

Applicants would have submitted a clean copy of the amended claims if such were allowed under the rules. However, if Examiner determines that a clean copy of the amended claims would be helpful, Applicants would be happy to fax the same as an informal communication, upon Examiner's request.

**Specification**

The disclosure stands objected to because of missing information regarding figures described at pages 45 and 135 of the as filed application. The specification has been amended as set forth above to address the objection. Applicants respectfully request withdrawal of the objection to the specification.

### **35 U.S.C. § 112 Claim Rejections**

Claims 1 through 37 stand rejected under 35 U.S.C. § 112, first paragraph, because “the [s]pecification . . . does not reasonably provide enablement for creating an actual particle pack . . .” and “. . . does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.” Applicants respectfully request reconsideration of the claims as amended and withdrawal of the 35 U.S.C. § 112, first paragraph rejection.

Claims 13, 26, and 36 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 13 has been amended as set forth above to correct its claim dependency.

Applicants respectfully request reconsideration and withdrawal of the rejections as to each of claims 26 and 36, in consideration of the amendments thereto, respectively.

### **ENTRY OF AMENDMENTS**

The amendments to claims 1 through 37 presented above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings. Further, new claims 39 through 50 presented above should be entered by the Examiner because the new claims are supported by the as-filed specification and drawings.

### CONCLUSION

Claims 1-50 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



Trent N. Butcher, P.E.  
Registration No. 51,518  
Attorney for Applicant(s)  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: September 3, 2004  
TNB/ps:ljb:csw  
Enclosures: Appendices A and B  
Document in ProLaw